

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA**

IN RE:	Chapter 12
MERCY HOSPITAL, IOWA CITY, IOWA, <i>et al.</i> ,	Bankruptcy No. 23-00623
Debtors.	RESISTANCE TO MOTION TO COMPEL

COMES NOW, the Mercy Liquidating Trust Oversight Committee, and for its resistance to the Motion to Compel filed by Gentzler Henrich and Associates and Cole Shotz P.C. states:

1. The Liquidation Trust Oversight Committee has objected to the fees charged by Gentzler Henrich and Associates and Cole Shotz P.C.
2. Instead of discussing such objection with the Liquidating Trust Oversight Committee to reach a resolution under the Liquidating Trust Agreement, the movants cut off all communication with the Liquidating Trust Oversight Committee, choosing instead to demand payment from the Successor Trustee.
3. The Liquidating Trust Oversight Committee remains willing to discuss a mutually agreeable resolution.
4. The fees applied for by Gentzler Henrich and Associates and Cole Shotz P.C. were neither reasonable nor necessary.
5. There has been no value conferred upon the Liquidating Trust by Gentzler Henrich and Associates and Cole Shotz P.C.
6. Gentzler Henrich and Associates was dismissed as Trustee by the Liquidating Trust Committee.

7. During the tenure of Gentzler Henrich and Associates there was little communication with the Liquidating Trust Oversight Committee, and crucial duties of the Liquidating Trustee were ignored despite repeated requests from the Liquidating Trust Oversight Committee.
8. Cole, Shotz was hired by the initial Liquidation Trustee in his individual capacity to address a personal conflict issue.
9. The initial Liquidation Trustee did not consult with the Liquidating Trust Oversight Committee regarding such an engagement as required by the Liquidation Trust Agreement.
10. When the Liquidating Trust Oversight committee was informed of the engagement, they made clear not only that such engagement was not authorized, but also that such engagement could provide absolutely no benefit to the Liquidation Trustee, and as such, would not be paid for by the Liquidation Trustee.
11. The majority of the work performed by Cole Shotz was performed after such notification on August 1st of 2024
12. Following the dismissal of the initial Liquidating Trustee the Liquidating Trust Oversight Committee appointed Dan Childers as successor Trustee.
13. On information and belief, the Liquidating Trust Oversight Committee states that Gentzler Henrich and Associates. did not transition their work or file to the Successor Trustee or his counsel. As such, the Liquidating Trust has paid additional fees for the work that Gentzler Henrich and Associates and seeks payment for.

WHEREFORE, the Liquidating Trust Oversight Committee prays this court overruled the motion compel filed by Gentzler Henrich and Associates and Cole Shotz P.C.

Dated the 8th day of November 2024.

Respectfully submitted,
DAY RETTIG MARTIN, P.C.

/s/ Paula L. Roby

Paula L. Roby AT0006749

Telephone: (319) 365-0437

FAX: (319) 365-5866

E-mail: paula@drpjlaw.com

LIQUIDATING TRUST OVERSIGHT
COMMITTEE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 8th day of November 2024, a copy of the foregoing document was filed with the Clerk of Court for the United States Bankruptcy Court for the Northern District of Iowa using the CM/ECF system and served electronically on those participants that receive service through the CM/ECF System. The undersigned further certifies the foregoing document was sent to persons or representatives via electronic mail or U.S. Mail postage pre-paid as set forth below.

Signed: /s/ Lillian M Strait